

I certify that the attached is a true and

correct copy of HB 2227, which

was filed of record on MAR 13 1987

and referred to the committee on:

Natural Resources

Betty Murray

Chief Clerk of the House

FILED MAR 13 1987

By *Lena Guerrero*

H. B. No. 2227

A BILL TO BE ENTITLED

AN ACT

relating to the creation and operation of the Texas Groundwater Protection Committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 2, Water Code, is amended by adding Chapter 8 to read as follows:

CHAPTER 8. TEXAS GROUNDWATER PROTECTION COMMITTEE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8.001. DEFINITION. In this chapter, "committee" means the Texas Groundwater Protection Committee.

[Sections 8.002-8.010 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 8.011. CREATION OF COMMITTEE. (a) The Texas Groundwater Protection Committee is created.

(b) The Texas Water Commission is designated as the lead agency for the committee and shall manage the activities of the committee.

Sec. 8.012. MEMBERS OF COMMITTEE. (a) The committee is composed of five members as follows:

(1) the executive director of the Texas Water Commission;

(2) the executive administrator of the Texas Water Development Board;

(3) the chairman of the Railroad Commission of Texas;

1 (4) the commissioner of health of the Texas Department
2 of Health; and

3 (5) the commissioner of agriculture.

4 (b) Each member of the committee may designate a personal
5 representative from his agency to represent him on the committee,
6 but this designation does not relieve the member of responsibility
7 for the acts and decisions of his representative.

8 Sec. 8.013. COMMITTEE OFFICERS. (a) The members of the
9 committee shall select one of the committee members to serve as
10 chairman and one of the committee members to serve as
11 vice-chairman.

12 (b) The persons selected as chairman and vice-chairman shall
13 serve one-year terms expiring at the first meeting of the committee
14 following September 1 of each year.

15 Sec. 8.014. COMMITTEE MEETINGS. The committee shall meet
16 not less than once every month at a time determined by the
17 committee and shall also meet at the call of the chairman.

18 Sec. 8.015. COMPENSATION. (a) Each member of the committee
19 serves on the committee as an additional duty of his office and is
20 not entitled to compensation for service on the committee.

21 (b) Each member of the committee may receive reimbursement
22 for actual and necessary expenses in carrying out committee
23 responsibilities as provided by legislative appropriations.

24 Sec. 8.016. STAFF. Each agency that has a member on the
25 committee shall provide staff as necessary to assist the committee
26 in carrying out its responsibilities.

27 Sec. 8.017. COMMITTEE RECORDS AND PROCEEDINGS. The

1 committee is subject to the Administrative Procedure and Texas
2 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), the
3 open meetings law, Chapter 271, Acts of the 60th Legislature,
4 Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil
5 Statutes), and the open records law, Chapter 424, Acts of the 63rd
6 Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's
7 Texas Civil Statutes).

8 [Sections 8.018-8.040 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8.041. GENERAL DUTIES. The committee shall, on a
11 continuing basis:

12 (1) coordinate groundwater protection activities of
13 the various agencies having representation on the committee;

14 (2) develop and update a comprehensive groundwater
15 protection strategy for Texas that provides guidelines for the
16 prevention of contamination and the conservation of groundwater and
17 that provides for integrating groundwater protection of the various
18 agencies having representation on the committee;

19 (3) study and implement programs for or recommend to
20 the legislature programs for any area of groundwater protection not
21 already regulated; and

22 (4) file with the governor, lieutenant governor, and
23 speaker of the house of representatives before each regular
24 legislative session convenes a report of the committee's activities
25 during the two preceding years together with any recommendations
26 for legislation for groundwater protection.

27 Sec. 8.042. FUNDS. The Texas Water Commission on behalf of

1 the committee may accept funds from the federal government, the
2 state, local governments, and private entities to assist it in
3 carrying out its powers and duties under this chapter.

4 SECTION 2. This Act takes effect September 1, 1987.

5 SECTION 3. The importance of this legislation and the
6 crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st Printing

By Guerrero

H.B. No. 2227

Substitute the following for H.B. No. 2227:

By Harris of Brazoria

C.S.H.B. No. 2227

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5 representative from his agency to represent him on the committee,
6 but this designation does not relieve the member of responsibility
7 for the acts and decisions of his representative.

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9 of the Texas Water Commission shall serve as chairman, and the
10 executive administrator of the Texas Water Development Board shall
11 serve as vice-chairman.

12 (b) The persons selected as chairman and vice-chairman shall
13 serve one-year terms expiring at the first meeting of the committee
14 following September 1 of each year.

15 Sec. 8.014. COMMITTEE MEETINGS. The committee shall meet
16 not less than once each quarter in each year at a time determined
17 by the committee and shall also meet at the call of the chairman.

18 Sec. 8.015. COMPENSATION. (a) Each member of the committee
19 serves on the committee as an additional duty of his office and is
20 not entitled to compensation for service on the committee.

21 (b) Each member of the committee may receive reimbursement
22 for actual and necessary expenses in carrying out committee
23 responsibilities as provided by legislative appropriations.

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5 Statutes), and the open records law, Chapter 424, Acts of the 63rd
6 Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's
7 Texas Civil Statutes).

8 [Sections 8.018-8.040 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

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12 (1) coordinate groundwater protection activities of
13 the various agencies having representation on the committee;

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15 protection strategy for Texas that provides guidelines for the
16 prevention of contamination and the conservation of groundwater and
17 that provides for integrating groundwater protection of the various
18 agencies having representation on the committee;

19 (3) study programs for or recommend to the legislature
20 programs for any area of groundwater protection not already
21 regulated; and

22 (4) file with the governor, lieutenant governor, and
23 speaker of the house of representatives before each regular
24 legislative session convenes a report of the committee's activities
25 during the two preceding years together with any recommendations
26 for legislation for groundwater protection.

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2 crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

5-6-87
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 2227 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.
() do pass, with amendment(s).
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An actuarial analysis was requested. () yes (X) no

An author's fiscal statement was requested. () yes (X) no

The Committee recommends that this measure be placed on the ~~Special or Consent~~ Calendar.

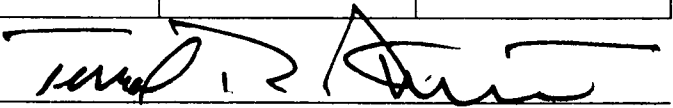

This measure (X) proposes new law. (X) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Harris, J., V.C.	X			
Johnson, C., C.B.O.				X
Hammond				X
Holzheuser	X			
Russell	X			
Shelley				X
Toomey				X
Yost	X			

Total
5 aye
0 nay
0 present, not voting
4 absent


CHAIRMAN

COMMITTEE COORDINATOR

HB 2227
By: Guerrero

Committee on
Natural Resources

BILL ANALYSIS

Background

In March, 1985, the Texas Department of Water Resources, predecessor of the Texas Water Commission, received a groundwater grant from the federal Environmental Protection Agency for the purpose of improving coordination of state groundwater protection activities and to develop a groundwater data management system. The Groundwater Protection Committee was formed to assist in these duties.

This legislation would give statutory recognition of this committee and specify a range of activities to be carried out on a continuing basis.

Purpose of the Bill

This bill would create the Texas Groundwater Protection Committee and provide for its duties and functions.

Section by Section Analysis

SECTION 1. Adds a new Chapter 8 to Subtitle A, Title 2, Water Code, which creates the Texas Groundwater Protection Committee.

SUBCHAPTER A. Defines committee.

(Sections 8.002-8.010 are reserved for expansion.)

SUBCHAPTER B. Creates committee and provides that Texas Water Commission shall manage its activities. Provides for composition of committee, for designation of representatives, selection of officers and terms, and quarterly meetings. Provides for expense reimbursement, but does not allow additional compensation. Provides that agencies shall provide staff and that meetings shall be subject to applicable laws.

(Sections 8.018-8.040 reserved for expansion.)

SUBCHAPTER C. Provides for duties and powers of committee, including the issuance of reports and recommendations to the Legislature.

SECTION 2. Effective date is September 1, 1987.

SECTION 3. Emergency clause.

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate rulemaking authority to a state officer, agency, department, or institution.

Summary of Committee Action

Public notice was posted in accordance to the rules and a public hearing was held on Wednesday, April 1, 1987. The bill was referred to a subcommittee made up of the following members: T. Smith, Chair, Shelley, and Yost. The subcommittee voted to report the bill as substituted to the full committee. On Wednesday, May 6, 1987, the full committee voted to report HB 2227 to the House as substituted with a recommendation that it do pass by a record vote of 5 ayes, zero nays and zero present, not voting.

The following persons testified in favor of HB 2227:

Catherine Perrine,
League of Women Voters

G.K. Sprinkle, Consultant
National Audubon Society

The following persons testified against HB 2227:

A. Wayne Wyatt, Manager
High Plains Underground Water Conservation District

Becca Williams,
High Plains Underground Water Conservation District

Mrs. Stella Rothe, rancher

Comparison of the Original Bill to the Substitute

The substitute bill deleted the section regarding the Texas Water Commission accepting funds, changed the meeting frequency to quarterly, and provides that the Chairman of the Committee shall be the Executive Director of the Texas Water Commission and the Vice-Chair the Executive Administrator of the Texas Water Development Board. The original bill also provided that the committee could implement programs for any area of groundwater protection not already regulated.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 1, 1987

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: House Bill No. 2227
By: Guerrero

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2227 (relating to the creation and operation of the Texas Groundwater Protection Committee) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Water Commission; Water Development Board;
Railroad Commission; LBB Staff: JO, HES, JWH, JG, LV

H. B. No. 2227

By L. Guerrero

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MAR 13 1987

1. Filed with the Chief Clerk.

MAR 26 1987

2. Read first time and Referred to Committee on

Natural Resources

MAY 6 1987

3. Reported favorably ~~(as amended)~~ (as substituted) and sent to Printer at 10:30 am

MAY 13 1987

4. Printed and distributed at 5:08 pm

MAY 11 1987

MAY 14 1987

5. Sent to Committee on Calendars at 4:27 pm

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

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